

AFFIDAVIT OF ERIC M. TOOLE

I, Eric M. Toole, being first duly sworn, state as follows:

1. My name is Eric M. Toole, and I am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have been employed by the FBI as a Special Agent for approximately 22.5 years. I am currently assigned to the Cleveland Division. Prior to assignment to the Cleveland Division in August of 2012, I served as a Special Agent in the Boston Division and worked on Violent Crime, Criminal Enterprise / Drug Organization and Counterterrorism Squads since October of 2000. In the Cleveland Division, I am assigned to Squad 11, the Violent Crimes Task Force ("VCTF"), which is comprised of personnel from the FBI, the Cuyahoga County Sheriff's Department, Cleveland Police Department and Cuyahoga County Adult Parole Authority. My primary duties as a member of the VCTF include the investigation of violent crimes, including bank robbery, in violation of 18 U.S.C. § 2113.

2. I am aware that 18 U.S.C. § 2113(a) makes it a crime to use force and violence, or intimidation, or the threat thereof, to take, or attempt to take, from the person or presence of another money that is in the care, custody, or control of a federally insured bank. Having so said, I submit this affidavit in support of a criminal complaint charging REGINALD WIMBERLY Jr., whose date of birth is 01/31/2001, and whose last known address was 9313 Quebec Avenue, Cleveland, Ohio with robbing a branch of Citizens Bank, 5733 Broadway Avenue, Cleveland, Ohio on December 30, 2022, at approximately 11:08 a.m.

3. The statements contained in this affidavit are based on my own first-hand

involvement in the investigation described herein, as well as upon my review of relevant police and investigative reports and my discussion with other law enforcement officers, federal, state, and local, involved in the investigation. I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish the requisite probable cause to support issuance of the requested complaint.

4. On December 30, 2022, at approximately 11:08 a.m., the of Citizens Bank ("bank"), which is located at 5733 Broadway Avenue in Cleveland, Ohio was robbed by an unidentified black male ("robber"). Subsequent to the robbery an audit was conducted and it was determined that \$100 in United States currency was taken. The above-listed bank deposits were insured by the Federal Deposit Insurance Corporation at the time of robbery.

5. According to the victim teller, the robber, who was described as a black male, approximately thirty years old, between 6'02-6'03" tall, dark complexion, slender to medium build, wearing a gray sweatshirt over a black sweatshirt with the black hood up, black and red pants that were falling down approached the teller station and slipped a note under the window. The teller grabbed this note ("note") and recalled it read, "GIVE ME 20K OR I'M SHOOT THE PERSON NEXT 2 ME." The teller recalled that the note was written with blue ink and on a napkin. As the teller read the note the robber whispered several times, "give me the fucking money" as he gestured toward his waist in a manner which made the teller believe that the robber had a firearm. After reading the note, the teller put the note down and told the robber that the bank does not

have that amount of money and activated the bank's silent alarm. The robber then stated, "Stop hitting the fucking buttons." The teller again told the robber the bank didn't have that amount of money and handed the robber two fifty dollar bills of United States currency ("money"). The robber took the money and walked toward the bank's double door exit, further described as being a "man-trap" exit. The robber dropped his cell phone in the bank prior to entering the first door of the "man-trap" exit. Once inside the "man-trap" exit the robber defeated the second door prior to the teller activating the locking system. The robber exited the bank and fled on foot through the rear parking lot in a Southeast direction.

6. The bank's "man-trap" entrance and exit is a set of specialized doors primarily used for security purposes. One side is for entrance that is comprised of 2 doors and one side is for exit that is comprised of 2 doors. Both doors on one side cannot be accessed at the same time and both entrance/exit ways are separated by a bullet resistant partition.

7. Surveillance cameras from the bank captured the images of the robber. He appeared to be consistent in appearance with the description provided by the victim teller. The images of the robber caught on bank surveillance cameras were disseminated throughout law enforcement and the media. A post robbery audit was conducted and reported the loss as being \$100 in United States currency. The proceeds of this bank were so insured by the FDIC at the time of the robbery.

8. On January 12, 2023, information was received from Apple identifying the subscriber information for the recovered cell phone as being consistent with email:

nasirrrrrrr6@gmail.com. A query of this email address identified Nasir Clark (“Clark”) as being the registrant.

9. A criminal history check was conducted for Nasir Clark that disclosed him as being recently released from Cuyahoga County Juvenile Probation. The Cuyahoga County Juvenile Probation Officer who supervised Nasir Clark advised his father purchased him a cell phone in early January 2023, bearing cell number (216) 385-7214.

10. On January 20, 2023, a City of Cleveland arrest warrant for robbery of a business was sought and issued for Nasir Clark (“Clark”) date of birth November 9, 2004.

11. On January 23, 2023, a search warrant was issued on Verizon Wireless for pen register and GPS ping data for cell number (216) 385-7214.

12. On February 2, 2023, CLARK was arrested without incident at 3396 W52nd Street, Cleveland, Ohio. CLARK was transported to Cleveland Police Department (“CPD”) Third District for post arrest processing. CLARK was read his Miranda rights, acknowledged that he understood his rights and waived those rights and agreed to be interviewed. The interview was electronically recorded. In the interview, CLARK vehemently denied any involvement in the charged bank robbery and identified REGINALD WIMBERLY Jr. (“WIMBERLY”) as being the robber. CLARK identified WIMBERLY from the bank robbery photos disseminated to the media. Additionally, CLARK learned from WIMBERLY himself, as well as from others, that WIMBERLY robbed the Citizens Bank, 5733 Broadway Avenue in Cleveland, Ohio on December 30, 2022. CLARK, WIMBERLY and others had been staying at a friend’s house on E74th

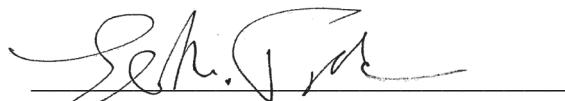
Street in Cleveland, Ohio prior to December 30, 2002.

13. The Cuyahoga County Sheriff's Office ("CCSO") was contacted and verified that WIMBERLY was in fact in their custody as of late evening on December 30, 2022.

14. On February 3, 2023, and while in the custody of the CCSO on separate charges WIMBERLY agreed to be interviewed. WIMBERLY was read his Miranda rights, acknowledged that he understood his rights and waived those rights and agreed to be interviewed. The interview was electronically recorded. In his interview, WIMBERLY admitted to committing the Citizens Bank robbery at 5733 Broadway Avenue, Cleveland, Ohio on December 30, 2022, as charged in this criminal complaint. WIMBERLY was shown the picture of the black male robber captured in the bank surveillance images from the robbery on December 30, 2023, at the Citizens Bank robbery, 5733 Broadway Avenue, Cleveland, Ohio at approximately 11:08 a.m. WIMBERLY identified that person as being him and thereafter initialed the photo indicating such. WIMBERLY admitted that he used a demand note during the commission of this robbery that stated he did not have a gun; however, WIMBERLY advised that he did threaten to shoot the person next to him in the demand note. WIMBERLY admitted that he was alone during the commission of this robbery. WIMBERLY walked to and from this robbery from a friend's house on E74th Street in Cleveland, Ohio where he and others had been staying prior to this robbery. After commission of this robbery, WIMBERLY walked back to his friend's house on E74th Street where he was then evicted after the owners learned about this bank robbery. WIMBERLY advised that he committed this robbery because he was tired of being broke

and out of money. WIMBERLY advised that some of the clothing in his CCSO property bag was used in this robbery.

15. Based on the foregoing, there is probable cause to believe that on December 30, 2022, the defendant, REGINALD WIMBERLY Jr., did, by force and violence, and by intimidation, take from the person and presence of employees of Citizens Bank robbery, 5733 Broadway Avenue, Cleveland, Ohio the amount of \$100, more or less, belonging to and in the care, custody, control, management, and possession of said Citizens Bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation, in violation of 18 U.S.C. § 2113(a).



ERIC M. TOOLE
Special Agent

Sworn to via telephone after
submission by reliable electronic
means. Crim.Rules. 4.1; 41(d)(3)



Thomas M. Parker
United States Magistrate Judge
12:38 PM, Mar 3, 2023